

Notice of Allowability

Application No.

09/507,360

Examiner

Alain L. Bashore

Applicant(s)

GOTTSTEIN, DAVID RICHARD

Art Unit

1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12-5-05.
2. ☒ The allowed claim(s) is/are 1-3, 5-14, 16-25, 27-30.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


ALAIN L. BASHORE
PRIMARY EXAMINER

DETAILED ACTION

Terminal Disclaimer

1. The terminal disclaimer filed on 6-13-05 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of Patent 6,115,697 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Allowable Subject Matter

2. Claims 1-3, 5-14, 16-25, 27-30 are allowed. Allowable subject matter requires further review for applications in class 705 before a notice of allowance is mailed to applicant. The time period for review may vary from application to application.

3. The following is an examiner's statement of reasons for allowance:

The present invention includes independent claims 1, 12, 21 and 23. Claim 1 recites a computerized method for optimizing investments on a lot-by-lot basis, claims 12 and 21 recite an apparatus for optimizing after-tax proceeds of a plurality of investments on a lot-by-lot basis, claim 23 recites a computer readable medium for use in a computer to optimize after-tax proceeds of investments on a lot-by-lot basis, the computer read-able medium storing a predetermined software program implementing a method.

Frank et al is considered the closest prior art. Frank et al discloses a computerized method for optimizing investments. Tax and investment data is received corresponding to a plurality of investments. There are received user-customized investment expectations (col 5, lines 40-45). A comparative tax sensitivity analysis of the tax and investment data and the analyzed investment expectations are performed (col 10, lines 56-67, col 11 , lines 1-6). There is outputted a set of financial investment data, including money valuations, representing an optimal after-tax investment strategy path from a plurality of investment paths over the dynamic taxation time range (col 1, lines 49-55). The investments may be bonds (col 5, lines 49-50). An input window is displayed on the user interface (fig 6).

Frank et al does not disclose the claims in there entirety including:

Claims 1 and 23:

performing comparative pro-forma tax sensitivity analysis of the tax and investment data and the investment expectations on a lot-by-lot basis over at least one investment time period using the predetermined software program executed by the processor; and

determining and outputting from the processor to an output device a set of financial investment data, including money valuations, representing an optimal

after-tax investment strategy path from a plurality of investment strategy paths over the at least one investment time period using the predetermined software program to optimize the after-tax proceeds on a lot-by-lot basis from the plurality of investment strategies, wherein the outputted optimal after-tax investment strategy path advises a user of optimal investments to be made, including investments involving taxable lots and derivative rights.

Claim 12:

a processor executing a predetermined software program for processing the tax and investment data and either the user-customized investment expectations or the financial adviser-based investment expectations; for performing comparative pro-forma tax sensitivity analysis of the tax and investment data and the investment expectations on a lot-by-lot basis over at least one investment time period using the predetermined software program; and for determining and outputting from the processor to an output device a set of financial investment data, including money valuations, representing an optimal after-tax investment strategy path from a plurality of investment strategy paths over the at least one investment time period using the predetermined software program to optimize the after-tax proceeds on a lot-by-lot basis from the plurality of investment strategies, wherein the outputted optimal after-tax investment strategy path advises a user of optimal investments to be made, including investments involving taxable lots and derivative rights.

Claim 21:

means for performing comparative pro-forma tax sensitivity analysis of the tax and investment data and the investment expectations on a lot-by-lot basis over at least one investment time period using the predetermined software program; and

means for determining and outputting from the processor to an output device a set of financial investment data, including money valuations, representing an optimal after-tax investment strategy path from a plurality of investment strategy paths over the at least one investment time period using the predetermined software program to optimize the after-tax proceeds on a lot-by-lot basis from the plurality of investment strategies, wherein the outputted optimal after-tax investment strategy path advises a user of optimal investments to be made, including taxable lots and derivative rights.

For these reasons claims 1, 12, 21 and 23 are deemed to be allowable over the prior art of record, and claims 2-3, 5-11, 13-14, 16-20, 22, 24-25, 27-30 are allowable by dependency.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Drawings

5. Formal drawings in compliance with 37 CFR 1.121(d) are now required in this application. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 571-272-6739. The examiner can normally be reached on about 7:30 am to 5:00 pm (Mon. thru Thurs.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Regarding all Class 705 applications, the management contact regarding examination is: Vincent Millin (SPE, art unit 3624) at 571-272-6747.

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7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alain L. Bashore
Primary Examiner
Art Unit 1762